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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

CITY OF OAKLAND, CALIFORNIA,

Plaintiff,

v.

AIG FINANCIAL PRODUCTS CORP., *et al.*

Defendants.

Case No. CV-08-2116-MMC

STIPULATION CONCERNING
RESPONSES TO THE COMPLAINT

WHEREAS, a motion under 28 U.S.C. § 1407 has been filed with the Judicial Panel on Multidistrict Litigation (the “JPML”) to centralize similar actions for coordinated pretrial proceedings, *In re Municipal Derivatives Antitrust Litigation*, MDL Docket No. 1950; and

WHEREAS, for efficiency’s sake, briefing on pre-answer motions to dismiss in this action should not be scheduled until the JPML has determined which court will hear the action, and any consolidated complaint has been filed; and

WHEREAS, although the consent of defendants other than JPMorgan Chase & Co. is not required because no defendant’s position is compromised by this Stipulation, counsel for

1 JPMorgan Chase & Co. can nevertheless report that identified counsel for the other defendants
2 have been canvassed and all support the Court's approval of this Stipulation, except the Bank of
3 America defendants who are negotiating separately with Plaintiff,

4 WHEREAS, Plaintiff City of Oakland ("Plaintiff") agrees that submission of this
5 Stipulation should be without prejudice to JPMorgan Chase & Co. or any other defendant to this
6 action,
7

8 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
9 between Plaintiff and defendant JPMorgan Chase & Co., as follows:

10 1. No defendant need respond to the complaint in this action before the 60th
11 day after the Judicial Panel on Multidistrict Litigation has decided the centralization motion
12 pending in docket No. 1950, *In re Municipal Derivatives Antitrust Litigation*, and plaintiff has
13 filed a consolidated amended complaint (or has announced by filed notice that it will not be filing
14 a consolidated amended complaint), unless the transferee court orders otherwise; provided,
15 however, that in the event a defendant agrees to an earlier response date in any municipal
16 derivatives case, that defendant shall respond to the City of Oakland's complaint on that earlier
17 date;
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19 2. This extension is available, without further stipulation with counsel for
20 Plaintiff, to all named defendants who notify Plaintiff and Defendants in writing of their intention
21 to join this stipulation;
22

23 3. Until such time as the transferee court enters a discovery order, any
24 defendant who joins the stipulation and produces or has produced any documents, electronic data,
25 or other information to any plaintiff in a municipal derivative action included in or properly
26 designated as a tag-along action to *In re Municipal Derivatives Antitrust Litigation*, MDL Docket
27 No. 1950, shall make such information immediately available to Plaintiff City of Oakland on the
28

1 same terms and subject to the same conditions;

2 4. No defense of JPMorgan Chase & Co. or any other defendant to this action
3 is prejudiced or waived by its submission of this Stipulation, including but not limited to assertion
4 of jurisdictional defenses; and

5 5. Defense counsel may file notices of appearance in this action without
6 prejudice to their respective clients' jurisdictional and venue defenses.
7

8
9 So Stipulated and Agreed.

10 Date: May 27, 2008

11
12 By: 

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